



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,247	06/07/2001	Pieter Jan Stappers	7238/0J393	2263
7590	01/02/2004		EXAMINER	
			ROSWELL, MICHAEL	
DARBY & DARBY P.C. 805 Third Avenue New York, NY 10022			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 01/02/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/879,247	STAPPERS, PIETER JAN
	Examiner	Art Unit
	Michael Roswell	2173

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 07 November 2001.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-8 is/are pending in the application.

    4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 07 June 2001 is/are: a) accepted or b) objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
    a) All b) Some \* c) None of:  
        1. Certified copies of the priority documents have been received.  
        2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
        3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
    \* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
    a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Specification***

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### ***Arrangement of the Specification***

2. As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: misspelling of the word "displayed" in line 4. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the claim recites, "the remaining displayed icons" but fails to describe the function of the icons.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacCuish (SPIE, 1/29/1996, v. 2656, pp. 104-115) and Tachibana et al (U.S. Patent No. 6,219,053).
8. In regards to claims 1, 2, 5, and 6, Applicant has disclosed the layout mechanism of MacCuish as being an electronic database search engine with an electronic memory

device suitable for storing and releasing elements from the database, a display unit, a user interface for the selection and control of elements on the display unit, and iconic interface control means where icons are at mutual distances from one another depending on degrees of dissimilarity. MacCuish's method and device display some icons on the display unit at initial utilization.

9. MacCuish fails to teach the use of the control means to select an arbitrary position on the display unit that upon selection displays or removes an icon related to a database element where its degree of dissimilarity to other icons corresponds with the distances between the icons. MacCuish also fails to teach the mutual positioning of icons on the display in concurrence with the dissimilarity of the elements from the database in order to optimize the usable display area on the display unit.

10. Tachibana et al do teach the use of the control means to select an arbitrary position on the display unit that upon selection displays or removes an icon related to a database element where its degree of dissimilarity to other icons corresponds with the distances between the icons. (Column 2, Lines 42-52) and the mutual positioning of icons on the display in concurrence with the dissimilarity of the elements from the database in order to optimize the usable display area on the display unit (Column 1, Lines 1-5).

11. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of MacCuish and Tachibana et al to obtain an electronic database search engine with iconic display wherein correlated

Art Unit: 2173

icons are separated at distances based on their dissimilarity and are spaced as to optimize the usable display area on the display unit.

12. The motivation for such a combination is given by Tachibana et al, who state "the present invention relates to a system for monitoring objects and the correlation between the objects on a map showing the correlation between objects" (Column 1, Lines 9-11).

13. In regards to claims 3 and 7, Applicant has disclosed the layout mechanism of MacCuish as being an electronic database search engine with an electronic memory device suitable for storing and releasing elements from the database, a display unit, a user interface for the selection and control of elements on the display unit, and iconic interface control means where icons are at mutual distances from one another depending on degrees of dissimilarity. MacCuish's method and device display some icons on the display unit at initial utilization. Tachibana et al teach the use of the control means to select an arbitrary position on the display unit that upon selection displays or removes an icon related to a database element where its degree of dissimilarity to other icons corresponds with the distances between the icons.

14. MacCuish fails to disclose a means for placing an icon in the center of the display unit, while the remaining displayed icons are grouped around the centered icon.

15. Tachibana et al disclose a means for placing an icon in the center of the display unit, while the remaining displayed icons are grouped around the centered icon (Column 16, Lines 62-67 and Column 17, Lines 1-4).

16. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of MacCuish and Tachibana et al to obtain an electronic database search engine with iconic display wherein correlated icons are separated at distances based on their dissimilarity, where an icon may be centered on the display unit, while the remaining displayed icons are grouped around the centered icon.

17. The motivation for such a combination is given by Tachibana et al, who state "the present invention relates to a system for monitoring objects and the correlation between the objects on a map showing the correlation between objects" (Column 1, Lines 9-11).

18. In regards to claims 4 and 8, Applicant has disclosed the layout mechanism of MacCuish as being an electronic database search engine with an electronic memory device suitable for storing and releasing elements from the database, a display unit, a user interface for the selection and control of elements on the display unit, and iconic interface control means where icons are at mutual distances from one another depending on degrees of dissimilarity. MacCuish's method and device display some icons on the display unit at initial utilization. Tachibana et al teach the use of the control means to select an arbitrary position on the display unit that upon selection displays or removes an icon related to a database element where its degree of dissimilarity to other icons corresponds with the distances between the icons.

19. MacCuish fails to teach the addition of characteristics involved in determining an element's degree of dissimilarity, and the assessment of the dissimilarities is adjustable.

20. Tachibana et al do teach the addition of characteristics involved in determining an element's degree of dissimilarity (Column 16, Lines 5-9) and adjustable assessment of the dissimilarities of elements (Column 17, Lines 42-46).

21. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of MacCuish and Tachibana et al to obtain an electronic database search engine with iconic display wherein correlated icons are separated at distances based on their dissimilarity, where the addition of characteristics involved in determining an element's degree of dissimilarity, and the assessment of the dissimilarities is adjustable.

22. The motivation for such a combination is given by Tachibana et al, who state "the present invention relates to a system for monitoring objects and the correlation between the objects on a map showing the correlation between objects" (Column 1, Lines 9-11).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (703) 305-5914. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on 703-308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-9731.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5484.

Application/Control Number: 09/879,247  
Art Unit: 2173

Page 8

Michael Roswell  
12/22/2003



RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173